

**DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)(2006 Supp.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take final rulemaking action to adopt the following amendments to Chapter 64 of Title 17 of the District of Columbia Municipal Regulations (DCMR). No comments were received as a result of the publication of the rules and no changes have been made to the text of the proposed rules, as published with the Notice of Proposed Rulemaking in the D.C. Register on September 19, 2008, at 55 DCR 009851. These final rules will be effective upon publication of this notice in the D.C. Register

17 DCMR Chapter 64, OPTOMETRY, is amended as follows:

A new section 6409 is added to read as follows:

6409 MINIMUM COMPLETE EXAMINATION

6409.1 An optometrist shall maintain a record for each patient that accurately reflects the evaluation and treatment of the patient. These records shall be kept for seven (7) years after last seeing the patient or seven (7) years after a minor patient reaches eighteen (18) years of age.

6409.2 In the absence of good clinical reasons to the contrary as documented in the patient record, an optometrist shall perform the following minimum examination on each patient, record his or her findings in the patient record, and maintain the patient record as required in § 6409.1 of this chapter:

(a) Complete case history, including medical conditions and medications;

(b) Visual acuity including:

(1) Monocular and binocular; and

(2) Aided or unaided;

(c) External examination, including pupil reactivity;

(d) Internal examination;

(e) Subjective refraction to test visual acuity at distance and near;

(f) Measurement of binocularity and ocular motility;

- (g) Tonometry, on patients twelve and older or as needed in the professional opinion of the optometrist;
- (h) Documentation of treatment, diagnosis; recommendations and directions to the patients, including prescriptions; and
- (i) Documentation in the patient chart of the name of attending optometrist.

6409.3 In addition to the requirements set forth in § 6409.1, an optometrist may perform the following tests as part of a minimum examination:

- (a) Retinoscopy or equivalent; and
- (b) Color vision screening.

6409.4 In addition to the requirements set forth in § 6409.1, a contact lens examination, excluding a follow-up exam; shall include at a minimum the following:

- (a) Assessment of corneal curvature;
- (b) Assessment of acuity through the contact lens;
- (c) Directions for the care and handling of lenses and an explanation of the implications of contact lenses with regard to eye health and vision;
- (d) Assessment of contact lens fit; and
- (e) Documentation of contact lenses used in fitting procedures.

A new section 6410 is added to read as follows:

6410 MINIMUM EQUIPMENT LIST

6410.1 Each licensed optometrist owning or operating an optometry practice in the District shall maintain in good working order the equipment necessary to provide a routine eye examination which shall include, but not be limited to, the following minimum equipment:

- (a) A device for the accurate measurement of visual acuity, distance and near;
- (b) A lensometer;
- (c) An instrument for examination of the internal structures of the eye;

- (d) A retinoscope or its equivalent;
- (e) An instrument for the measurement of intra-ocular pressure;
- (f) A refracting instrument or its equivalent;
- (g) An instrument for measurement of corneal curvature;
- (h) An instrument for the measurement of visual fields;
- (i) A biomicroscope; and
- (j) A color vision testing device.

6410.2 In addition to the requirements set forth in § 6410.1, the minimum equipment in an optometrist's office may also include a blood pressure measuring device.

A new Section 6413 is added to read as follows:

6413 CONTACT LENS PRESCRIPTIONS

6413.1 A contact lens prescription shall contain sufficient information for the complete and accurate filling of a prescription, including the following:

- (a) Name of the patient;
- (b) Date of the examination;
- (c) Issue date and expiration date of the prescription;
- (d) Name, license number, postal address, telephone number, facsimile telephone number, and original signature of the prescriber; and
- (e) Brand of lens, power, base, curve, and diameter;

6413.2 In the case of a private label contact lens, a contact lens prescription may also contain the name of manufacturer, trade name of private label brand, and, if applicable, trade name of equivalent brand name by the same manufacturer, but sold under the labels of other sellers.

6413.3 A contact lens prescription may also include the diameter, axis, add power, cylinder, peripheral curve, optical zone, and center thickness and any additional information necessary in order that the prescription be accurately filled.

6413.4 A contact lens prescription shall be given to the patient after the completion of the

contact lens fitting whether or not it is requested by the patient, or at the time of the examination if the person is an established patient where no change in the prescription was made.

- 6413.5 A prescriber shall, as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription.
- 6413.6 A contact lens prescription shall expire one (1) year after the issue date unless there is a medical reason that warrants a prescription for less than one (1) year. The medical reasons for issuing a prescription for less than one year shall be documented in the patient's medical record.
- 6413.7 The issue date on a contact lens prescription shall be the date of the examination.
- 6413.8 A prescriber may require payment of fees for an eye examination, fitting, and evaluation before the release of a contact lens prescription, but only if the prescriber requires immediate payment in the case of an examination that reveals no requirement for ophthalmic goods. Presentation of proof of insurance coverage for that service shall be deemed to be a payment.
- 6413.9 When specialty or custom-made contact lenses are necessary to complete the fitting process, the prescriber may charge patients an additional fee for such lenses as part of the cost of the fitting process and as such may condition the release of a contact lens prescription on payment of the fitting fee.
- 6413.10 A prescriber shall not:
- (a) Require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of the prescription;
 - (b) Require a payment in addition to, or as part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a prescription or verification of a prescription; or
 - (c) Require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

A new section 6414 is added to read as follows:

6414 STANDARDS OF CONDUCT

- 6414.1 Any holder of a license under this Chapter or any person authorized to practice optometry under this Chapter shall comply with the standards of ethical and professional conduct established by the American Optometric Association in its publication entitled "Code of Ethics," as it may be amended or republished from

time to time.

A new section 6415 is added to read as follows:

6415 DISPLAY OF NAME

6415.1 An optometrist licensed under the Act shall include the designation "O.D."; "Optometrist"; or "Doctor of Optometry" following his or her name in any advertisement, or written display of his or her name in the District of Columbia.

A new section 6416 is added to read as follows:

6416 EYEGLOSS PRESCRIPTION EXPIRATION PERIOD

6416 An eyeglass prescription shall expire one (1) year after the issue date unless there is a medical reason that warrants a prescription for less than one (1) year. The medical reasons for issuing a prescription for less than one year shall be documented in the patient's medical record.

Section 6499.1 is amended as follows:

The following terms with the ascribed meanings are added as follows:

Contact Lens Fitting— the process that begins after the initial eye examination and ends when a successful fit has been achieved as determined by the examining optometrist or ophthalmologist. In the case of a renewal prescription, the fitting ends when the prescriber determines that no change in the existing prescription is required or a new fitting is completed after medically necessary follow-up examinations.

Private label contact lenses— contact lenses that are sold under the label of a seller where the contact lenses are identical to lenses made by the same manufacturer but sold under the labels of other sellers.